

BUILDING AND CONSTRUCTION LAW JOURNAL

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\$Nil liquidated damages: An exhaustive remedy for delay under a construction contract? – Trevor Thomas

This article considers the application of liquidated and unliquidated damages in construction contracts and, in particular, whether a party can elect to recover one at the expense of the other. It investigates the situation where the parties use a standard form of contract and complete the rate of liquidated damages as “Nil”. In doing so, the article attempts to reconcile the divergent authorities in this area in England and Australia. Finally, it seeks to apply the likely Australian position to three commonly used standard form contracts – namely, AS 4000-1997, PC-1 1998 and ABIC MW-1 2003. 82

Risky business: Risk management cruises into the 21st century – Christopher Kerin

This article provides a practical perspective on risk management, setting out how risk-management principles are applied in every day situations by both government and non-government bodies. Various examples accompany each part of the risk-management framework, illustrating realistic steps which might be taken to manage risk associated with all work in the construction, mining and engineering industries. Some particular emphasis is provided in relation to the various legal tools available to manage risk. Finally, two case studies involving large infrastructure projects are presented which provide an overview of the application of risk-management principles in real life situations. 94

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7. Sheehy et al, n 6 at 221.

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